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08-230,657

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APPLICATION DIVISION

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RECIPIENT'S NAME: John Dill - Application Processing Division
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SENDER'S NAME : Jason M. Honeyman

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OUR FILE NUMBER(S) : B0221/7061
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ATTORNEY'S DOCKET NO.: B0221/7061IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mulhauser et al.
Serial No: 08/250,657
Filed: May 27, 1994
For: IMPLANTABLE PROSTHESIS AND METHOD AND
APPARATUS FOR LOADING AND DELIVERING AN
IMPLANTABLE PROSTHESIS

Examiner: Nguyen, D.
Art Unit: 3308

HON. COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231
ATTENTION: John Dill
Application Processing Division

Sir:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this ** is being facsimile
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undersigned, Deposit Account No. 23/2825.

Jason M. Honeyman
Typed or Printed Name of Person
Signing Certification

Date

8/30/94


Jason M. Honeyman
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
(617) 720-3500

Facsimile No.: (617) 720-2441

** [X] REQUEST FOR RESPONSE

3678U.2

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THE COMMISSIONER OF PATENTS AND TRADEMARKS
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Attn: John Dill
Application Processing Division

REQUEST FOR RESPONSE

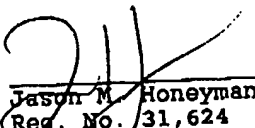
Dear Sir:

We have tried, unsuccessfully, to contact you by telephone regarding the status of the above-identified case.

On July 8, 1994 we responded by facsimile to the Notice of Improper FWC Filing Under 37 CFR 1.62 mailed in this case on July 5, 1994. A copy of our letter is attached herewith. We await a decision on whether a filing date will be granted.

We would appreciate an acknowledgement that our July 8, 1994 letter was received and is being acted on.

Respectfully submitted,
WOLF, GREENFIELD & SACKS, P.C.


Jason M. Honeyman
Reg. No. 31,624
600 Atlantic Avenue
Boston, MA 02210
(617) 720-3500

Attorney Docket No.: B0221/7061
Date: August 30, 1994
3678U

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THE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

RESPONSE TO NOTICE OF IMPROPER FWC FILING

The above-identified application was refused a filing date because the issue fee was paid in the parent application as set forth in the attached copy of the Notice. The parent application was withdrawn from issue on May 27, 1994, the same date that the above-referenced application was lodged with the Patent Office. A copy of the Decision on Petition granting the withdrawal from issue is attached. Accordingly, the FWC application should be granted a filing date.

Please telephone the undersigned if there is any further question concerning the propriety of granting a filing date to the above-referenced application.

Respectfully submitted,

WOLF, GREENFIELD & SACKS, P.C.

Jason M. Honeyman
Reg. No. 31,624
600 Atlantic Avenue
Boston, MA 02210
(617) 720-3500

Attorney Docket No.: B0221/7061
Date: July 8, 1994
3569U

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
08/250,057	05/27/94	MULTIPLE	INITIAL

JASON M. HONEYMAN
WOLF, GREENFIELD & SACKS
FEDERAL RESERVE PLAZA
500 ATLANTIC AVENUE
BOSTON, MA 02210

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DOCKETED
JUL 07 1994

NOTICE OF IMPROPER FWC FILING UNDER 37 CFR 1.62 NO FILING DATE GRANTED

The above identified application was deposited under 37 CFR 1.62 as a file wrapper continuing application but is improper and has not been granted a filing date for reasons shown below:

- _____ 1. The application does not include the correct application number including filing date or series code of the prior application.
- _____ 2. The application, which is not a continuation-in-part, was not filed by the same or less than all the inventors named in the prior application and no petition for correction of inventorship was filed.
- _____ 3. The application, which is a continuation-in-part, does not identify the names of all the inventors (37 CFR 1.41(a)). The application uses "et al" but only one inventor was named in the prior application.
- _____ 4. The filing date included a new specification or a copy of a specification from the prior application. See 37 CFR 1.62(e). A petition with the \$ _____ fee set forth in 37 CFR 1.17(i)(1) with instructions to cancel the copy or specification may be filed if a filing date as of the receipt date noted above is desired.
- _____ 5. The request does not include an original signature of the inventor(s), assignee of the entire interest, or registered attorney or agent.
- X 6. The application was not filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application:
 - X a) The issue fee was paid on the prior application on 2/7/94.
 - _____ b) The prior application was abandoned, or proceedings terminated on _____.
 - _____ c) The prior application was abandoned by the filing of application number _____ on _____, under 37 CFR 1.62.
- _____ 7. Other:

The filing date will be the date of receipt of the items required above unless otherwise indicated, provided the items are filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application. Any assertions that the items required above were submitted or are not necessary for a filing date must be by a petition directed to the attention of the Office of the Assistant Commissioner for Patents. Any such petition must be accompanied by the \$ _____ fee (37CFR 1.17(h)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

All of the above noted items and/or any petition must be submitted within **TWO MONTHS** of the date of this notice (37 CFR 1.81(f)) or the application will be returned upon request or abandoned and the fee, if submitted, will be refunded less the \$ _____ handling fee (37 CFR 1.21(n)). **THIS TIME LIMIT MAY NOT BE EXTENDED PURSUANT TO 37 CFR 1.136.**

Direct the response and any questions about this notice to, Attention: Application Processing Division, Special Processing and Correspondence Branch.

A copy of this notice MUST be returned with the response.

Application Processing Division

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